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2009 DEC 22 AM 11:53
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

R. N. VERMILLION,

Plaintiff,

v.

ROBERT M. LUMAN, JOHN KLEIN,
CITY OF NEWPORT BEACH
POLICE DEPARTMENT POLICE
OFFICERS D. MAISANO, R.
PETERS, #1271, J. PARK, #1219, and
10 UNKNOWN NAMED POLICE
OFFICERS OF THE CITY OF
NEWPORT BEACH POLICE
DEPARTMENT, all sued in their
individual/personal capacities and in
their official capacities.

Defendants.

No. **CV 09-9371 JFW MLGx**
COMPLAINT

(Damages for Deprivation of Civil
Rights)

JURY DEMAND

JURISDICTION AND VENUE

1. The claims made herein are asserted pursuant to the United States Constitution, and 42 U.S.C. 1983, *et seq.*, and the jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1331 and 1343.

1 averment and allegation of this pleading.

2 7. The plaintiff was deprived of an interest protected by the Constitution
3 and/or laws of the United States of America, and each and every defendant caused,
4 by commission or omission, such deprivation while acting under color of state
5 law.

6 8. All acts and/or omissions perpetrated by each defendant, except a
7 governmental entity or any defendant in his/her official capacity only, were
8 engaged in maliciously, callously, oppressively, wantonly, recklessly, with
9 deliberate indifference to the rights allegedly violated, despicably, and with evil
10 motive and/or intent, in disregard of the rights of the plaintiff.

11 9. Any defendant in his/her official capacity knowingly, or grossly
12 negligently, or with deliberate indifference to the rights allegedly violated, caused
13 to come into being, maintained, fostered, condoned, approved of, either before the
14 fact or after the fact, ratified, took no action to correct, an official policy, practice,
15 procedure, or custom of permitting the occurrence of the categories of wrongs set
16 forth in this pleading, and/or improperly, inadequately, with deliberate
17 indifference to the constitutional or other federal rights of persons, grossly
18 negligently, with reckless disregard to constitutional or other federal rights, failed
19 properly to train, to supervise, to retrain, if necessary, to monitor, or to take
20 corrective action with respect to the police and with respect to the types of
21 wrongful conduct alleged in this pleading, so that each one of them is legally
22 responsible for all of the injuries and/or damages sustained by the plaintiff
23 pursuant to the principles set forth in *Monell v. New York City Dept. of Social*
24 *Services*, and its progeny.

25 The policymaker defendants Robert M. Luman, John Klein, and any
26 unknown named supervisory police officer defendants, are sued on this theory
27
28

1 both in their individual/personal capacities as well as in their official capacities.

2 Also, it is alleged that prior failures to investigate police misconduct and/or
3 to discipline police found culpable for misconduct, inadequate investigations into
4 and/or inadequate discipline imposed for police misconduct, and/or a failure to
5 investigate and/or to discipline the police defendants for their alleged misconduct
6 in this case, all make the policymaker defendants liable for the police misconduct.
7

8 10. On or about February 19, 2008, at approximately 2:00 a.m., in a
9 treatment room in the Emergency Room section of Hoag Memorial Hospital, in
10 Newport Beach, California, while plaintiff was undergoing treatment in the
11 Emergency Room for a serious medical condition, and while plaintiff was an
12 arrestee, defendant D. Maisano used excessive force on plaintiff, and thereby
13 caused plaintiff to suffer severe, permanent, physical injuries, and great pain and
14 suffering, and emotional distress, and which also aggravated and exacerbated pre-
15 existing serious medical conditions.

16 11. On or about February 19, 2008, at approximately 3:00 p.m., and
17 thereafter, CNBPD police officer defendants D. Maisano, R. Peters, #1271 and J.
18 Park, # 1219, and five unknown named CNBPD police officer defendants, and
19 each of them, while plaintiff was in their custody as an arrestee, failed to obtain
20 medical treatment for the injuries inflicted upon plaintiff by D. Maisano when he
21 used excessive force on plaintiff, in deliberate indifference to plaintiff's serious
22 medical needs, thereby aggravating plaintiff's severe physical injuries and causing
23 plaintiff to suffer additional pain and suffering and severe emotional distress.
24

25 12. On or about February 19, 2008, CNBPD police officer defendants D.
26 Maisano, R. Peters, #1271, J. Park, # 1219, and five unknown named CNBPD
27 police officer defendants, and each of them, conspired and agreed to cover up and
28 conceal the excessive force used on plaintiff by D. Maisano, and to that end filed

1 no use of force reports, and failed to properly photograph and document the
2 injuries inflicted upon plaintiff by D. Maisano, and also in furtherance of that end,
3 failed to obtain medical treatment for the serious medical needs of plaintiff caused
4 by the injuries inflicted upon plaintiff by D. Maisano, even though medical care
5 was readily available because the incident occurred at the Hoag Memorial
6 Hospital Emergency Room, and did so because the treatment of the injuries
7 inflicted on plaintiff by defendant D. Maisano would have resulted in the
8 documentation of the excessive use of force by D. Maisano on plaintiff.
9

10 COUNT ONE

11 13. At the time of the incident or incidents alleged in this case, set forth at
12 averments 10-12, immediately above, the rights of persons within the jurisdiction
13 of the United States of America under the Fourth Amendment to the United States
14 Constitution to be secure in home, person, papers, and effects against
15 unreasonable searches and/or seizures, and not to be subjected to the use of
16 unreasonable or excessive force were in effect, and any individual police officer
17 defendant who engaged in conduct (including actionable omissions, if applicable),
18 as set forth in averments 10-12, immediately above, violated those Fourth
19 Amendment rights, and thereby also violated the Fourteenth Amendment to the
20 United States Constitution, and by virtue thereof, each such police officer is liable
21 to the plaintiff for compensatory and punitive damages, according to proof.
22

23 COUNT TWO

24 14. At the time of the incident or incidents alleged in this case, set forth in
25 averments 10-12, immediately above, the plaintiff was an arrestee whose rights
26 under the Fourteenth Amendment to the United States Constitution not to suffer a
27 deprivation of due process or of equal protection of the laws by virtue of the
28 defendants' deliberate indifference to her serious medical needs, and to be free

1 from cruel and unusual punishment, were in effect, and any individual police
2 officer defendant who engaged in conduct, as set forth hereinabove in averments
3 10-12, caused a violation of those rights, and by virtue thereof, each such police
4 officer is liable to the plaintiff for compensatory and punitive damages, according
5 to proof.

6 COUNT THREE

7
8 15. Also, it is alleged that there was an agreement or understanding between
9 or among CNBPD police officer defendants D. Maisano, R. Peters, #1271, and J.
10 Park, # 1219, and the five unknown named CNBPD police officer defendants, and
11 each of them, to engage in the conduct alleged herein to be wrongful and that there
12 was the commission of an overt act in furtherance of said conspiracy. The
13 aforesaid defendants conspired and agreed to file false police reports that did not
14 document or in any way describe the injuries inflicted upon plaintiff by defendant
15 D. Maisano, and conspired and agreed that they would not take photographs that
16 depicted the injuries suffered by plaintiff as a result of D. Maisano's use of
17 excessive force, and further conspired and agreed that they would not seek
18 medical care for the injuries suffered by plaintiff as a result of the excessive force
19 used by D. Maisano, and, as a result of said conspiracy and agreement, filed false
20 police reports that make no mention of the injuries inflicted upon plaintiff by D.
21 Maisano's excessive use of force, and did not take photographs that depicted
22 plaintiff's injuries, or seek medical treatment for those injuries while plaintiff, an
23 arrestee, was in their custody.

24 COUNT FOUR

25
26 16. The unconstitutional acts of the individual police officer defendants
27 alleged herein were the product of the policies, customs and practices of the
28 policymaker defendants, as heretofore alleged and set forth in averment 9, and said

1 custom, practices, and policies were the moving force behind the constitutional
2 violations alleged herein and caused said unconstitutional violations, which the
3 policymakers defendants thereafter condoned, acquiesced in and ratified.

4 WHEREFORE, the plaintiff requests relief as follows, and according to
5 proof, against each defendant:

6 1. The award of general and compensatory damages against each
7 defendant, according to proof;

8 2. Punitive damages against each defendant in his/her individual/personal
9 capacity only, according to proof;

10 3. Interest from the date of the wrongful conduct;

11 4. Costs of suit, including attorneys' fees; and,

12 5. Such other relief as may be warranted or is just and proper.
13
14

15 **JURY DEMAND**

16 Trial by jury of all issues is demanded.

17 **YAGMAN & YAGMAN & REICHMANN.**

18
19
20 By: 

21 **MARION R. YAGMAN**
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

CV09 - 9371 JFW (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

 ORIGINAL

Name & Address:

MARION R. YAGMAN (SBN # 83007)
YAGMAN & YAGMAN & REICHMANN
723 Ocean Front Walk
Venice, CA 90291-3212
(310) 452-3200

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

R. N. VERMILLION,

PLAINTIFF(S)

v.

ROBERT M. LUMAN, [SEE PAGE TWO FOR LIST
OF ADDITIONAL DEFENDANTS]

DEFENDANT(S).

CASE NUMBER

CV09-9371 JFW MLGx

SUMMONS

TO: DEFENDANT(S): ROBERT M. LUMAN, JOHN KLEIN, D. MAISANO, R. PETERS, #1271,
J. PARK, # 1219

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marion R. Yagman, whose address is Yagman & Yagman & Reichmann, 723 Ocean Front Walk, Venice, CA 90291. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: December 22, 2009By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUMMONS

VERMILLION V. LUMAN, et al.,

Page Two

Attachment: Additional Defendants:

JOHN KLEIN, CITY OF NEWPORT
BEACH POLICE DEPARTMENT
POLICE OFFICERS D. MAISANO,
R. PETERS, #1271, J. PARK, #1219,
and 10 UNKNOWN NAMED
POLICE OFFICERS OF THE
CITY OF NEWPORT BEACH POLICE
DEPARTMENT, all sued in their
individual/personal capacities and
in their official capacities,

Defendants.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) R. N. VERMILLION		DEFENDANTS ROBERT M. LUMAN, JOHN KLEIN, CITY OF NEWPORT BEACH POLICE DEPARTMENT POLICE OFFICERS D. MAISANO, R. PETERS, # 1271, J. PARK, #1219	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) MARION R. YAGMAN, YAGMAN & YAGMAN & REICHMANN, 723 Ocean Front Walk, Venice, CA 90291 (310) 452-3200		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ According to proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Section 1983 Violations of Fourth and Fourteenth Amendments -- Excessive Force, deliberate indifference to serious medical needs

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV09-9371

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	COLORADO

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date December 21, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))